

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, September 2, 1975, at 10:30 A.M.

Present:

John H. Leonard, Supervisor
Robert G. Leonard, Town Justice
Gregory R. Manning, Town Justice
George G. Young, Councilman
Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Leonard called the Meeting to Order at 10:30 A.M. and the Pledge of Allegiance was recited.

Town Justice Leonard offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held August 19, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstract, dated September 2, 1975:

General Town	\$10,808.13
Highway Item #1	\$20,345.96
Highway Item #3	\$ 299.39
Special Districts	\$ 397.73
Drug Abuse Program	\$ 215.42
Fresh Pond-Sound Avenue Project	\$ 77.80
Town Hall Capitol Project	\$25,296.50

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

BE IT RESOLVED, That the following bills be and are hereby approved for payment:

General Town	\$10,808.13
Highway Item #1	\$20,345.96
Highway Item #3	\$ 299.39
Special Districts	\$ 397.73
Drug Abuse Program	\$ 215.42
Fresh Pond-Sound Avenue Project	\$ 77.80
Town Hall Capitol Project	\$25,296.50

RESOLUTION - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Building Department, month of August, 1975. Filed.

Police Department, month of August, 1975. Filed.

OPEN BID REPORTS - Two (2) New 1976 Dump Trucks

After being duly advertised the following bids for Two (2) New 1976 Dump Trucks for use of the Town of Riverhead Highway Department were opened by the Town Clerk on Tuesday, September 2nd, 1975, at 9:30 A.M.:

South Shore Motors Corp. (Sayville Ford)
5686 Sunrise Highway
Sayville, New York 11782

Delivered Bid Price: \$14,513.12 - 1976 Ford Model F611

Delivery Date: As soon as possible

Less Trade-Ins: 1962 International Dump Truck)
1968 International Dump Truck) \$1,026.50

Net Delivered Price: \$13,486.62

Filed.

Tryac Truck and Equipment Co., Inc.
Route 58, P.O. Box 98
Riverhead, New York 11901

Delivered Bid Price: \$16,495.38 - 1976 International Model 1600

Delivery Date: As soon as possible

Less Trade-Ins: (same as above)
(same as above) \$2,900.00

Net Delivered Price: \$13,595.38

Alternate Truck: \$18,403.24 - 1976 International Model 1800

Less Trade-Ins: (same as above)

Net Delivered Price: \$15,503.24

Filed.

Otis Ford, Inc.
Montauk Highway
Quogue, New York 11959

Delivered Bid Price: \$14,521.21 - 1976 Ford Model F600

Delivery Date: As soon as possible

Less Trade-Ins: (same as above)
(same as above) \$800.00

Net Delivered Price: \$13,721.21

Filed.

OPEN BID REPORTS - continued:

J.J. Hart Ford
Route 58
Riverhead, New York 11901

Delivered Bid Price: \$15,446.00

Delivery Date: As soon as possible

Less Trade-Ins: 1962 International Dump Truck) \$830.00
1968 International Dump Truck)

Net Delivered Price: \$14,616.00

Filed.

PETITIONS

Petition of Ignazio Garziano for a Rescission and/or Modification of Certain Restrictions and Covenants (Special Permit for Gas Stations). Filed.

Town Board will take this matter under consideration.

CLAIM

Albert Goldstein, East Hills, New York - \$7,000,000.00 for wrongful death of wife and for interval pain and suffering prior to her death. Wife fell from bicycle on Youngs Avenue at or near intersection with Osborne Avenue, as a result of the uneven, ridged, sand-filled, broken, holey and debris laden condition of the roadway. Filed.

Town Clerk announced that copies have been sent to the Town Attorney, Insurance Broker and Supt. of Highways.

COMMUNICATIONS

Town of Southampton, Calling Public Hearing for September 16, 1975 at 7:30 P.M. re Amendments to Building and Zone Ordinance #26 relating to Temporary Permits for On-Premises Temporary Roadside Stands as an Accessory Use on a Farm. Filed.

Copies to all Town Agencies.

L.I. Reliable Corp., dated 8/21/75, stating they have had three increases from Northville Industries.

They further state that as of 7/31/75, the delivered price to the Town Departments will be .3665, which reflects the increase.

Copies to Town Board, Town Attorney, Police Chief Grodski, Water and Sewer Supts. Filed.

John V.N. Klein, County Executive, dated 8/21/75, acknowledging receipt of letter and resolution re Wading River Ferry proposition, dated 8/15/75 and stating as follows:

"The position of the Town Board of Riverhead was made quite clear at the most recent meeting of the Long Island Sound Ferry Crossing Advisory Committee here in Hauppauge. I share the concern of the people of Wading River and Shoreham with respect to this whole issue, and I have given assurances to them that their point of view as well as yours will certainly be repeated to the Steering Committee of the Tri-State Transportation Commission." Filed.

Copies to Town Board and Town Attorney.

COMMUNICATIONS - continued:

Department of the Army, New York District, Corps of Engineers, dated 8/28/75, giving Public Notice of application of Riverhead Estates Civic Association, Flanders, New York, to do maintenance dredging at Silver Brook, Flanders Bay, Great Peconic Bay.

Any criticisms or protests regarding the proposed work should be prepared in writing and mailed to reach their office, prior to September 29, 1975, otherwise it will be presumed that there are no objections. Filed.

Copies to Town Board and Town Attorney.

Town Board had no objections.

Cooperative Extension, dated 8/75, enclosing items on soil and soil erosion, both of which are of great importance in land use planning and management. Filed.

Copies to Town Board and Town Attorney.

Department of the Army, New York District, Corps of Engineers, dated 8/21/75, giving Public Notice of application of Wildwood Hills Property Owner's Association, Inc., to regrade Wildwood Hills Beach, Wading River, New York.

Any criticisms or protests regarding the proposed work should be prepared in writing and mailed to reach their office, prior to September 22, 1975, otherwise it will be presumed that there are no objections. Filed.

Copies to Town Board, Town Attorney and Supt. of Highways.

Town Board had no objections.

Jesse R. Goodale, President of Riverhead Building Supply, dated 8/23/75, enclosing a photo of flood conditions in front of lots #2 and #3 on the north side of King's Drive, directly to the rear of the Route 58 Shopping Center.

He further states that under the present circumstances, there cannot be a driveway cut through the curbing, for the house there nearing completion and urgently requests the Board to advise him on the situation as soon as possible. Filed.

Copies to Town Board, Town Attorney and Supt. of Highways.

Referred to Mr. Horton, Supt. of Highways.

Roanoke Landing Civic Association, dated 8/15/75, stating they would like to call attention to the conditions at Roanoke Landing Beach which include out-of-state cars parking without permits, tow-away regulations are not being enforced and garbage left on the beach by fishermen.

They conclude by saying they would like to see the Town Laws more stringently enforced in these respects and have the beach and fishing privileges limited to Town Residents. Filed.

Copies to Town Board, Town Attorney, Police Chief and Recreation Supt.

COMMUNICATIONS - continued:

Muscular Dystrophy Association, Inc., dated 8/25/75, stating they would like to plan a "Country Fair" for the Fall, at the Double Bar B Ranch.

They would appreciate knowing of any regulations pertaining to this type of event, so they may comply with them. Filed.

Copies to Town Board, Town Attorney and Zoning Inspector.
Referred to Town Attorney.

L.I. Reliable Corp., dated 8/25/75, stating that the latest increase of #2 and Diesel fuel, as of August 12th, will be .3680, under the Town of Riverhead Contract. Filed.

Copies to Town Board, Town Attorney, Supt. of Highways and Sanitation Dept.

Harold Hochheiser, dated 8/25/75, stating that the curbing in front of his house, at 146 Ostrander Avenue, is abnormally high, which results in the right side car doors hitting the curb.

He requests the Highway Department to lower the curbs to allow cars to park close to the curb and not out in the street. Filed.

Copies to Town Board, Town Attorney and Supt. of Highways.

Supervisor Leonard stated that this matter is being taken care of.

S. Chrisman Abernethy, dated 8/23/75, stating that he has been a summer resident of Northville Beach since 1958 and would like to bring the Board's attention to the terrible condition of the Town Boat Ramp at Iron Pier Beach.

He further states that "this year, the ramp is almost useless. Users of this ramp are restricted to about a two or three hour period around high tide. The ramp is flat without proper pitch, thus not allowing enough water to launch or retrieve when the ramp is under water. When the tide lowers, the new portion of the ramp is high and dry, leaving the older pre-cast slabs. This portion is not usable because of the 2 foot drop to reach that area."

He then tells of several accidents that have happened with boats and trailers trying to use this ramp.

He concludes by saying that this is the only ramp for L.I. Sound that Riverhead Residents can use and without this ramp, summer rentals, boat dealers and water sports equipment dealers will suffer.

(Answer requested)

Filed.

Copies to Town Board, Town Attorney and Stanley Grodski, Recreation Supt.

Stanley Grodski reported that he can't fight "Mother Nature" and this ramp is a thorn in his side every year, but it's just one of those things that he has no control over anymore.

COMMUNICATIONS - continued:

Suffolk County Department of Planning, dated 8/26/75, regarding Town of Riverhead, Amendments to Zoning Ordinance #26 relating to Signs stating that the aforementioned amendments are considered to be a matter for local determination.

They further state that the decision of local determination should not be construed as either an approval or a disapproval. Filed.

Copies to all Town Agencies.

Henry Birnstiel, Cambria Heights, New York, dated 8/26/75, calling attention to the boat ramp at Iron Pier Beach, stating that he has seen a number of boats completely submerged because of the condition of the ramp.

He further stated that this has been a problem for many boaters and being a property owner on Sound Shore Road and user of this ramp, he believes it should be given immediate attention so this facility can be used properly. Filed.

Copies to Town Board, Town Attorney and Recreation Supt.

Referred to Stanley Grodski, Recreation Supt.

Town of Brookhaven, dated 8/27/75, Public Notice of Hearing on proposed Amendment to Chapter 85 of the Code pertaining to Incineration of Garbage, etc., to be held on September 16th, 1975 at 11:00 A.M. in the Brookhaven Town Hall. Filed.

Copies to all Town Agencies.

Officers and Members of the Polish Town Civic Association expressing their gratitude to the Town Board for all their good wishes and cooperation during their Street Fair.

Land Design Associates, dated 8/26/75, re Application of Leonard G. Sucsy - Broad Cove Colony and Yacht Club, stating as follows:
"At the public hearing held on the above caption on August 19, certain questions arose with reference to Police protection. Please accept this letter in reply to those inquiries.

Our Site Plan and Design envisions a Gate House and Gates such that the area will only be accessible to owners or their guests. It is also envisioned that the Home Owner's Association will provide for an internal Security Force. This Security Force would be entirely supplementary to the Riverhead Police Department or other Law Enforcement Agencies. It is not intended, nor is it in fact possible, that the Security Force would interfere with or be in place of the authority of the Riverhead Police Department." (Signed) Robert Manniello Filed.

Copies to Town Board, Town Attorney, Chief of Police and Leonard G. Sucsy.

UNFINISHED BUSINESS

- a) Decision on Landmarks Preservation Ordinance #44 -
Decision will be prepared for the next Town Board Meeting.
- b) Decision on Broad Cove Colony - Special Permit - Resolu-
tion will be presented today, on this matter.
- c) Codification - Progress
- d) Tow-Away Ordinance - Matter is still under consideration
and investigation by Town Board and Chief Grodski.
- e) Re-establishment of Environmental Commission - Resolution
will be presented today, on this matter.

Supervisor Leonard then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 11:00 A.M.

Town Clerk submitted affidavits of Publishing and Posting Public Notice Calling Public Hearing on proposed contract between the Town Board and the Board of Fire Commissioners of the Riverhead Fire District re Fire Protection Districts.

The affidavits were ordered filed.

Supervisor Leonard thereupon declared the Hearing open and asked if anyone wished to be heard.

Alden W. Young, Fire Commissioner explained how the contract figures were arrived at and how the protection districts work.

No one else wishing to be heard and no communications having been received thereto, Supervisor Leonard declared the Hearing closed as 11:05 A.M. and re-opened the Meeting.

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

C. DeWitt Seymour, Sec'y. Northville Beach Civic Assoc. read the following letter on the Iron Pier Boat Ramp:

"We would like to call your attention again to the very unsatisfactory boat ramp at Pier Avenue. The attempted use of the ramp this summer has proven disastrous to a number of boat owners and it would seem that Riverhead Residents are entitled to a better launching facility.

May we respectfully urge the Board to engage a competent marine engineer to design and construct a ramp which would be compatible with the particular environment at Iron Pier Beach.

Admittedly this will entail some considerable expense but it is necessary in order to correct the unsafe and unsatisfactory condition which now exists.

We sincerely trust you will seriously consider acting on this suggestion." (Signed)

Copy to Stanley Grodski, Recreation Supt.

Filed.

PERSONAL APPEARANCES - continued:

Robert L. Tooker, Esq., Attorney for #84 Lumber Company spoke on his Petition for Special Permit to Build Lumber Yard on West Main Street and the Planning Board's denial, after which he withdrew the Petition.

He then asked the Board if he could rescind his withdrawal and further asked if they would again consider amending Zoning Ordinance #26 to allow the granting of the special permit for the lumber company.

Dr. Caryl Granttham spoke on Sound Avenue being designated a scenic and historic corridor by the State Legislature.

She then spoke on the possibility of spending \$25,000.00 on a permanent traffic light at the intersection of Northville Turnpike and Route 58 instead of a bridge, which she strongly opposes, that would cost around \$1,000,000.00.

Councilman Menendez asked Chief Grodski about the traffic light at Great Eastern, which is no longer needed, and wondered if there was any way it could be turned off.

Chief Grodski replied that that traffic light is privately owned by the landlord of that property and he must be contacted about turning it off.

Robert L. Tooker, Esq. spoke on the problems at Roanoke Landing Beach, stating that after the last Town Board Meeting, conditions seemed to improve a little, until last Thursday when the Board of Health posted a sign reading "NO SWIMMING ALLOWED".

He then said that he and his neighbors came to the Town Board for help and offered a few simple suggestions toward a solution and instead they got a kick in the teeth and can't even use their own beach now. Further discussion followed.

Mr. Tooker then read a few paragraphs from a letter he had written to a Dr. Zacky in the Health Department in June, when there was some altercation between the County and the Town about what beaches should be open and also the Doctor's reply.

Police Chief Grodski replied that the Town should only be responsible for the portion of the Beach that belongs to the Town and it should be up to the private Beach Civic Associations to take care of their own beaches.

Councilman Menendez asked Stanley Grodski if his beach attendants, hired for the summer could clean up the beaches, before they went at night.

Stanley Grodski replied that he had the County Youth Corps cleaning the beaches everyday and they couldn't keep up with the garbage.

He then stated that the people who leave the litter just don't care and even smash bottles and throw garbage deliberately.

Supervisor Leonard then recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 11:30 A.M.

Town Clerk submitted affidavits of Publishing and Posting Public Notice Calling Public Hearing on proposal to Amend Ordinance #26 relating to Signs.

The affidavits were ordered filed.

Supervisor Leonard thereupon declared the Hearing open and asked if anyone wished to be heard.

COMMUNICATION

"The Riverhead News Review has reported that a hearing will be held on the erection of signs on September 2nd, 1975, at Town Hall.

I have not seen the document which will be the basis for the new ordinance. But, it would appear to be a deprivation of my right to erect and maintain standardized outdoor advertising signs permitted by the present ordinance.

Outdoor advertising is a recognized industry. The United State's Senate through its Committee on Public Works states, 'Outdoor advertising is an intrical part of the business and marketing function and an established segment of the national economy. As a legitimate business it should therefore be allowed to operate where other industrial and commercial activities are conducted.' (From Senate Report 709, 89th Congress, 1st Session)

I believe that! I believe as an operator of a medium that is a service to business which sells merchandise and service, I have a right to be located in Riverhead where other businesses are located.

I should also like to advise you that amortization is not legal. Under the Highway Beautification Act of 1965, as amended, compensation must be paid." (Signed) James A. Kenniff, President of Suffolk Outdoor Advertising Co., Inc. Filed.

Edwin Tuccio stated that if this new amendment to the Ordinance on signs is a total ban on signs, people in the Town of Riverhead are going to go out of business, particularly places in Jamesport along the water and private businesses that depend heavily on signs to promote their businesses.

He then stated that he does not object to banning unsightly billboards, but if it's a sign that advertises the location of a business, he feels it will be a hardship.

Frank Polacek stated that signs have never been a major issue in the Town of Riverhead until this year.

He went on to say that if this amendment goes through, it will eliminate all outdoor advertising in the Town.

He then stated that the Board should concentrate on adopting a new Zoning Ordinance in accordance with the Master Plan, before too many amendments to the present Ordinance render the Master Plan useless.

He concluded by imploring the Board to reject any proposed amendments to the Zoning Ordinance.

PUBLIC HEARING - continued:

Reuben Ryan, Wading River spoke about his resort business in Wading River and stated that the Expressway has already made River-headers lose business by re-routing the traffic toward Route 58 and the south shore.

He concluded by saying that he agrees that the use and placement of signs should be regulated, but if they are eliminated, Riverhead will become a "bedroom" - strictly a small residential community.

No one else wishing to be heard and no more communications having been received thereto, Supervisor Leonard declared the Hearing closed at 11:45 A.M. and re-opened the Meeting.

RESOLUTIONS

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Supervisor be and is hereby authorized to pay the amount of \$988.00 to Robert A. Kart for the topographic survey and plan and profile for drainage purposes of part of Union Avenue at Aquebogue, New York.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Highway bills submitted on abstract dated September 2, 1975, as follows:

General Repairs Item #1: Mobil Oil Corporation, bills dated August 11 and 18, 1975, totalling \$671.23, be and the same are hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The County of Suffolk has for a number of years maintained and operated a dredge for the purpose of clearing and deepening waterways in Suffolk County, and

WHEREAS, The maintenance of these waterways is necessary for recreational use of eastend waterways, and

WHEREAS, These waterways also provide for a livelihood for many in the eastend, and

WHEREAS, The dredge has been used in the past on an emergency basis to repair breaks in the dunes, and

WHEREAS, Dredging has been used in the past to clear and remove accumulated pollutants, such as duck farm wastes, thereby improving water quality, and

RESOLUTION - continued:

WHEREAS, The need for dredging will continue in the future and therefore will have to be done by private contractors if the dredge is sold, and

WHEREAS, The County is budgeting and expending large sums of money for recreational purposes, such as parks which must be compared with the proposed action on the dredge, and

WHEREAS, The Town Board notes continuing expenditures for animal zoos, subsidized rents for park personnel, and year-round, 24-hour armed police protection in the parks, cannot in the Town Board's judgment compare with the need for the continued operation of the dredge.

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Riverhead hereby opposes the proposed sale of the County dredge.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

BUDGET NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED SEPTEMBER 2ND, 1975, AUTHORIZING THE ISSUANCE OF A NOTE IN THE AMOUNT OF \$20,000.00 FOR THE PURPOSES OF DEFRAYING COSTS OF SNOW REMOVAL.

WHEREAS, The Superintendent of Highways has advised the Town Board that an amount of \$20,000.00 is needed to finance costs of snow removal for use of the Town Highway Department, and has requested the Board to authorize borrowings of said amount of \$20,000.00 to defray the costs,

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Town Board of the Town of Riverhead for the specific purpose of providing for payment of costs for snow removal, pursuant to Section 29.00 of the Local Finance Law, does hereby authorize the issuance of its Budget Note in the amount of \$20,000.00, to finance such cost.

2. Such Note shall be dated September 4th, 1975, and its power to fix and determine the exact date of such Note is hereby delegated to the Supervisor. Such Note shall be numbered One (1) and shall mature in the year 1976. The power to fix and determine the date upon which such Note shall become due and payable is also delegated to the Supervisor.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

BE IT RESOLVED, That the Bid for Two (2) 1976 Dump Trucks for use of the Town of Riverhead Highway Department is hereby awarded to South Shore Motors Corp., 5686 Sunrise Highway, Sayville, New York, 11782, at a cost of \$13,486.62, subject to its Bid and Specification form submitted and filed in the Office of the Town Clerk, and

FURTHER RESOLVED, That the acceptance of said Bid is subject to the approval of the Suffolk County Superintendent of Highways/Commissioner of Public Works, County of Suffolk.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED SEPTEMBER 2, 1975 AUTHORIZING THE REDEMPTION IN PART, OF \$29,000 BOND ANTICIPATION NOTE 1974, FOR THE CONSTRUCTION OF ROADS IN THE NORTHVILLE HOMES ROAD IMPROVEMENT DISTRICT, TO THE EXTENT OF \$2,500, AND APPROPRIATING SAID AMOUNT THEREFOR.

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$29,000 BOND ANTICIPATION NOTE for construction of roads in the Northville Homes Road Improvement District, pursuant to the resolution duly adopted by the Town Board on September 3, 1974, and it is now necessary to redeem said Note to the extent of \$2,500, now, therefore, be it

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:

Section 1. The \$29,000 BOND ANTICIPATION NOTE - 1974 for the construction of roads in the Northville Homes Road Improvement District is hereby authorized to be redeemed on September 3, 1975 to the extent of \$2,500 from funds said Town, now available to said purpose, and the said amount of \$2,500 is hereby appropriated therefor.

Section 2. This Resolution shall take effect immediately.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That Chester Gevinski, Box 277, Washington Avenue, Jamesport, New York 11947, be and is hereby appointed School Crossing Guard, effective Sept. 3, 1975, compensated at the rate of \$3.00 per hour, payable bi-weekly and at the pleasure of the Town Board.

RESOLUTION - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Supervisor be and is hereby authorized to transfer the sum of \$37.76 from A909 Fund Balance to Fresh Pond Avenue Capital Project for the purpose of completing payment for bonding attorneys for note.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, No.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, The Town Board did create the Town of Riverhead Conservation Advisory Council by resolution on April 4, 1972, and

WHEREAS, The Town Board on April 18, 1972 did appoint a nine member board that served to April 18, 1974, and

WHEREAS, This Board wishes to thank the past members for their service to the community and reappoint a new board,

NOW, THEREFORE, BE IT RESOLVED, That this Board hereby appoints the following persons to the Town of Riverhead Conservation Advisory Council to serve without compensation for a term not to exceed two years, expiring September 2, 1977:

Michael Velys, Jr.

Charles Lawrence

Charles Thrall

Roger Coulter

Horace D. Wells

Virginia Wines

Joseph H. Baier

Dennis Hurley

Gordon Danby

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Edward Gadzinski, Foreman in the Sanitation Department, be compensated for time and one half for overtime hours worked during Ted Krukoski's vacation as shown below:

August 7, 1975

3½ Hours

August 8, 1975

3½ Hours

August 9, 1975

10½ Hours

August 10, 1975

10½ Hours

RESOLUTION - continued:

for a total of 28 hours at the rate of \$8.25 per hour for a total of \$231.00.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Supervisor be and he hereby is authorized to execute a stipulation and agreement with the Long Island Lighting Company relating to the issues raised before the Board on Electric Generation Siting and the Environment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young stated that after many hours of hard work and research with lawyers, engineers and scientists, the Board has finally come up with a tentative agreement with LILCO regarding the Nuclear Plant in Jamesport, which will be signed on Friday at 10:30 A.M.

Town Justice Leonard explained that the agreement they made deals only with the things concerning Riverhead Town itself.

He further stated that there are still problems to be resolved and if they are not resolved, this agreement will not go through.

Supervisor Leonard stated that he felt this agreement should have been made a long time ago, before the Town spent all that money on lawyers, which he was against doing in the first place.

Councilman Menendez stated that the Town wouldn't have this agreement now, if it weren't for those high-powered lawyers batting LILCO over the head to get them to the point where they would concede to this agreement.

Supervisor Leonard replied that that was a matter of opinion.

Supervisor Leonard called a ten minute recess, after which the Meeting resumed and the following resolution was offered.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

WHEREAS, Joseph P. Celic, Jr. and Leonard G. Sucsy have petitioned this Board for a special permit pursuant to the provisions of Sections 205 and 102 (48) of Ordinance 26 to develop certain real property at Aquebogue, within the Town of Riverhead, more fully set forth in Exhibit "A", and

RESOLUTION - continued:

WHEREAS, Said application was referred to the Planning Board which heard and considered this matter and recommended the granting of a special permit as set forth in its letter dated January 9, 1975, and

WHEREAS, Public Hearings were held hereon on March 4, 1975 and August 19, 1975, pursuant to public notice, at which times all persons and against the application were heard, and

WHEREAS, The petitioners have appeared before this Town Board on numerous occasions and have stipulated to the various provisions of this resolution, and

WHEREAS, The Town Board has considered all the testimony before it during the Public Hearings, the exhibits and documents submitted to it, and incorporates herein by reference certain studies and reports including but not limited to the 1973 Master Plan for the Town of Riverhead, the proposed expansion of plant facilities for the Riverhead Sewer District and the several ground water studies affecting extensions of the Riverhead Water District and further relying on the Board's own personal knowledge of the area in question particularly the bays and creeks, and

WHEREAS, The Town Board of the Town of Riverhead has considered all the proof for and against said petition and hereby makes the following findings in accord with the provisions of Sections 102 (48) and 205 of Ordinance 26.

FIRST: The subject parcel, more particularly described in Exhibit A is situate in the Business A District pursuant to the provisions of Ordinance 26 and the Zoning Map of the Town of Riverhead. This zone provides for "Resort Business". This parcel has been so zoned for a number of years. The density requirements for said parcel are governed by Section 205C of Ordinance 26 and permit a high density use.

SECOND: The subject parcel and proposed use is bounded on the south and west by natural barriers being Terry's and Meeting House Creeks. On the north it is bounded by the Long Island Railroad right-of-way and Hubbard Avenue. On the east are the parcel's only neighbors. Development will occur from the west to the east thereby lessening the impact on the neighbors. There are provisions made herein for setbacks from the easterly lot line and screening. Further, the Board notes the present use as a duck farm has a substantial adverse impact on the adjoining neighbors in air and water quality which will be greatly lessened by the proposed use. As a result, the proposed use will not interfere with the reasonable and orderly development of the other properties in the neighborhood.

THIRD: Few disadvantages are found by the Board with the proposed use. Questions have been raised on the density, docks, water quality and impact on schools. These issues are raised and solved in the following paragraphs and are to be considered in light of the advantage to be gained by removing one of the greatest sources of pollutants to the bay, namely the duck farm.

RESOLUTION - continued:

FOURTH: The health, safety, welfare, comfort, convenience and order of the Town will be promoted by the proposed use.

FIFTH: The proposed use will be in harmony with and promote the general purposes and intent of Ordinance 26 and the Town Master Plan.

SIXTH: In making these findings, the Town Board has considered items (a) to (r) as set forth in Section 102 (48) of Ordinance 26 as follows:

(a) The site is well situated for the proposed use. It has natural barriers on three sides. It has unique features for recreational access to the bays which are almost unavailable by any other residential use. The condominium use is more desirable than an apartment or motel use. The condominium use provides a means of extending the water and sewer districts to this site and beyond.

(b) The plot area of 106 acres is adequate for this use. Inasmuch as the applicants are bounded by barriers on three sides and do not own property to the east, there can be no further expansion. Pursuant to the provisions of Section 205C of Ordinance 26, the applicant could build 800 sq. feet of floor area for each 3,000 square feet of land area they own. The applicants request for 500, 000 sq. feet of floor area is substantially less than the permitted maximum density.

(c) The proposed use is not near any place of public assembly except the County Park from which it is separated by Terry's Creek.

(d) Access will be provided by two grade crossings. The westerly one will be used and developed first. The westerly entrance will be at least 75 feet from the intersection of Shade Tree Lane and Hubbard Avenue. There will not be undue traffic congestion.

(e) There will be no curb cuts involved. The roads within the parcel will remain in private ownership and therefore private maintenance. The proposed entrance and exits were presented to the Planning Board which passed upon the same.

(f) The roads are of sufficient width for emergency vehicles. No parking will be permitted along said roads. A plan of the area and units will be filed with the Chief Engineer of the Riverhead Fire Department. The owners if they choose may establish a private security force. This force will be supplemented to the Town Police which shall retain jurisdiction within the site.

RESOLUTION - continued:

(g) The drawings submitted herewith provide for parking and the location thereof. The design thereof shall not be altered without further permit of this Board. As the building permits issue for each section, the Building Inspector shall compute the floor areas and compare these to the parking schedule under Ordinance 26 and the same must conform.

(h) Buffer yards must be maintained on the easterly lot line. Natural screening must be saved during construction or planted as specified herein.

(i) The Board finds that the second home concept will be promoted by permitting herein a one bedroom unit with a minimum square foot floor area of 850 square feet and a two bedroom unit with a minimum square foot area of 950 square feet. No other special setback yard, etc. requirements are necessary.

(j) The Board accepts the concept of this development being in private condominium ownership. Provision herein is made for a payment in lieu of dedication for recreational purposes.

(k) Solid waste receptacles will be screened by permanent structures and emptied on a regular basis. Storm water will run into catch basins, then to an inland lake. It will then pass through screening along the waterways and eventually into the bay.

(l) The water district has sufficient capacities to accommodate this site. These capacities can be supplemented by a new well on the Barr-Heller location. The sewer district capacity will be expanded as is provided for in the pending application. Should it be necessary, the district will terminate service to rental areas beyond the district so as to provide service to ratable properties within the district. The Board opposes the concept of separate non-municipal sewer systems proliferating especially adjacent to the existing district boundaries.

(m) The use will not generate noxious smoke, noise, etc.

(n) Construction should be done only during normal working hours during daylight.

(o) The applicants have recognized the unique features of their site in terms of the bays and creeks. They have altered their proposal to remove bulkheading and a commercial use. They have provided for a nature area in the northwest corner of the parcel. These efforts are found to be desirable and acceptable to the Town Board especially in light of the existing duck farm use.

RESOLUTION - continued:

(p) The roads will be privately owned but must be of sufficient quality and strength to bear emergency vehicles.

(q) Solid wastes will be removed as a common charge of the condominium owners.

(r) The design and intent of these units is for recreational and second home use. No other units are approved and pending for this purpose. The Board notes the number of approved sub-division units and condominium units elsewhere in the community. Provision is made herein for complete sale of an attached unit or building before construction.

NOW, THEREFORE, BE IT RESOLVED, That the petition of Joseph P. Celic, Jr. and Leonard G. Sucsy for a Special Permit of the Town Board of the Town of Riverhead pursuant to the provisions of Sections 205 and 102(48) of Ordinance 26 be granted on the following terms and conditions:

1. Incorporated herein by reference are the petition of Joseph P. Celic, Jr. and Leonard G. Sucsy verified the 14th day of October, 1974; the site plan of Broad Cove Colony and Yacht Club by Land Design Associates revised April 25, 1975 consisting of three sheets; the application of Broad Cove Colony and Yacht Club to the Department of the Army setting forth the dock plan; the sketch of Nelson and Pope Engineers number 7345 dated August 1975 showing the proposed routes for a sewage force main; the typical unit layout plan and sketch of F. Craig Lindholm Associates; Landscape Plan by Land Design Associates; and all statements made by the petitioners during Public Hearings before the Town Board and the Planning Board. Where a discrepancy exists between the exhibits, drawings or statements incorporated herein by reference as above and the further provisions of this resolution, then the further provisions of this resolution shall be controlling. The granting and interpretation of this resolution are hereby deemed a legislative act and no action or proceeding shall be brought hereon without first obtaining a further resolution of this Board on the issue questioned or challenged.

2. This special permit shall entitle the applicants to apply for and receive building permits for a maximum of 500 one-family units.

3. The applicants may construct on the subject premises 500,000 square feet of habitable floor area. The site layout shall conform to the "Site Plan" submitted herewith.

4. The units permitted hereby shall be one, two and three bedroom units with habitable floor areas as follows:

3 bedroom	1150 sq. ft.
2 bedroom	950 sq. ft.
1 bedroom	850 sq. ft.

RESOLUTION - continued:

This permit is conditioned upon the construction of one hundred three-bedroom units. The remaining units may be one or two bedroom, but the total floor area on the site shall not exceed 500,000 square feet. Any room, den or similar area shown on an application for a building permit shall be counted as a bedroom.

5. Prior to the erection of the first unit or simultaneously therewith, the applicants shall apply to the Riverhead Water District for inclusion therein as a "no-cost extension". Said extension shall encompass the entire site as set forth in Exhibit A. As part of this extension, the applicants agree to extend the existing water main at the dimension on Hubbard Avenue to the site at no cost. As an alternative route, the applicants agree that should the Town Board, acting as the Governing Body of the Water District, determine that the water mains should be extended easterly along Route 25 to Shade Tree Lane and then to the site, they will contribute to the resulting district extension a sum equal to the amount it would have cost the developer to extend the water mains along Hubbard.

6. The site will be developed in order from west to east by sections as numbered on the site plan.

7. The applicants shall provide sewers for the first 49 units by means of cesspools. Piping will be installed in said units for hook-up to the sewer district when available. Before construction of the fiftieth unit, the applicants shall apply for a no-cost extension and hook-up to the Riverhead Sewer District. The applicants will construct a force main as shown on the drawing of Nelson and Pope at no cost to the Sewer District.

8. The applicants will make a payment in lieu of dedication to the Town Board of the Town of Riverhead in the sum of \$60.00 per unit contemporaneously with their application for the first building permit to wit \$30,000.00.

9. This special permit shall be two years in duration. The applicants shall be entitled hereby, and prior to incorporation of their property into the Sewer and Water Districts, to apply for a building permit for not more than nine models. Said models shall not be sold as dwelling units until all other units shown on the "site plan" are constructed. All building permits and certificates of occupancy for said models shall be marked clearly "for use as sales models only". After all other units are constructed a regular certificate of occupancy may issue for the models. If within the two year duration of this special permit, the applicants apply for a building permit for a "building" as shown on the site plan, then this permit shall automatically be extended thereby for one year. The aforesaid building permit shall expire one year after its issuance. This special permit shall automatically be extended from year to year for up to seven (7) years from the date hereof provided that the petitioners have completed at least one "building" in each of years two (2) through seven (7) and have applied for a building permit for another "building" in the following year. Units will only be built in "building groups" as shown on the site plan commencing on the west and developing eastward.

RESOLUTION - continued:

No building permit shall be issued until reservations or deposits are exhibited for each "building".

Any abandonment of this development plan shall be subject to the approval of the Town Board of the Town of Riverhead.

10. The condominium agreement and covenants and restrictions shall prohibit the conversion of any room not a bedroom into a bedroom. Any statement or labeling to the contrary shall be removed from any offering statement.

11. All plans and specifications for the construction or advertisement for sale of the units within this development shall be signed and sealed by a New York State licensed architect or engineer. All construction as a result hereof shall conform to the New York State Building Code. Each application for a building permit shall contain a signed statement by a New York State licensed architect or engineer that the application conforms to the New York State Building Code. Each application for a certificate of occupancy shall be accompanied by a signed statement by a New York State licensed architect or engineer that the construction has been completed in conformity with the New York State Building Code.

12. The applicants shall acknowledge in writing their assent to the terms and conditions of this resolution in writing fourteen (14) days hereof.

13. The condominium agreement binding the developers and all subsequent purchasers and owners and constituting a covenant and restriction running with the land shall contain the following provisions in addition to any others that the applicants may deem advisable.

(a) Refuse collection shall be a common charge and shall be assessed to all unit owners proportionately.

(b) Real property taxes, water and sewer rents shall be apportioned to each unit and shall constitute a valid lien thereon if not paid.

(c) The exterior maintenance of the units shall be a common charge assessable to all unit owners proportionately.

(d) Landscaping maintenance shall be a common charge and shall be assessable to all unit owners proportionately and shall include snow removal from all parking areas and sidewalks.

(e) Maintenance of recreational areas shall be a common charge and assessable to all unit owners proportionately.

(f) Fire Insurance shall be required for each unit either jointly or severally in sufficient amounts and terms as to provide for the reconstruction of any unit, adjoining unit or building damaged by fire.

RESOLUTION - continued:

(g) All covenants and restrictions entered into by the applicants with the Town Board of the Town of Riverhead shall be binding upon the condominium to be formed in accordance with the condominium agreement.

(h) All outdoor recreational facilities will be limited in use from sunrise to 9:00 o'clock P.M.

(i) Any building code violation certified by the Building Inspector of the Town of Riverhead shall be corrected within sixty (60) days of notification to the unit owner or the condominium.

(j) Any lease or sublease of a unit by an owner or the developer shall be subject to prior written condominium approval. Such approval shall not be unreasonably withheld.

(k) No room shall be used or converted to be used as a bedroom in any unit except those rooms that appear on the Building Permit as bedrooms.

14. The applicants shall maintain a 100 ft. setback on the easterly lot line. All landscaping along the exterior perimeters within the setback lines shall be completed simultaneously with the erection of the first "building". All tree plantings will be at least ten (10) feet high. Plantings as shown on the drawings adjacent to the units shall be completed prior to the issuance of certificates of occupancy for each "building".

15. Electrical utilities shall be supplied by underground wires. Illumination shall be provided for the parking and recreational areas. Said illumination shall be shielded and directed so as not to directly illuminate any area beyond the condominium site. If street illumination is desired now or in the future, the installation of lines, stands or poles shall be at the expense of the developer or the condominium.

16. Parking spaces shall be provided as shown on the plans or as required by Ordinance 26 at the time of application for a building permit whichever is greater. Parking spaces shall be delineated and marked for each unit. Fire lanes, where appropriate or required by the Chief Engineer of the Riverhead Fire Department, shall be marked. No parking will be permitted on the streets. The applicants shall file a plan showing existing conditions, parking spaces, fire lanes and hydrants, if any, with the Chief Engineer of the Riverhead Fire Department. All roads in each section shall be cut and rough graded simultaneously with the construction of the first "building". All curbs, gutters, sidewalks, any parking areas and finished road surfaces shall be completed at the finish of construction of the last "building" but within nine months thereof.

17. All garbage removal containers shall be screened from view by permanent structures.

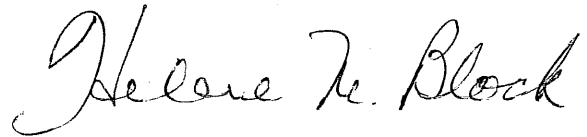
RESOLUTION - continued:

18. The applicants or their successors as developers or sponsors shall not be entitled to rent any unit.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 12:30 P.M. to meet on Tuesday, September 16th, 1975, at 7:30 P.M.

A handwritten signature in cursive script that reads "Helene M. Block". The signature is written in dark ink and is positioned to the right of the meeting adjournment text.

HMB/mhj

Helene M. Block, Town Clerk